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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,017	12/29/2000	Tal Isaac Lavian	10360-056001 / BA0366CIP	1257
34845	7590	05/06/2005	EXAMINER	
STEUBING AND MCGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			CASIANO, ANGEL L	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,017

Applicant(s)

LAVIAN ET AL.

Examiner

Angel L. Casiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 6-10, 12 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 13-17, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The present Office action is in response to communication dated 15 February 2005.
2. Claims 1-10 and 12-23 are pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 January 2005 has been entered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 22-23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 22 recites the limitation "wherein the CLI-API..." in reference to claim 2. This claim, as amended, does not include CLI-API as part of its limitations. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 23 depends upon claim 22, now rejected under 35 U.S.C. 112, second paragraph. Therefore, the present claim is rejected under the same basis.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1,5, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. [US 6,625,590 B1] in view of Hayama et al. [US 6,661,800 B1].

Regarding claim 1, Chen et al. teaches a method of managing a network device (see Title; Abstract; col. 1, lines 27-30). In addition, the reference provides a command-line interface application interface compatible with CLI of a network device (see Abstract; col. 2, lines 2-6; col. 7, lines 60-67). Chen et al. also teaches receiving an instruction and generating a command in response, where the command is compatible with the CLI of the network device (see col. 1, lines 51-56). Chen et al. also teaches a command-line interface including a “command processor”, which is responsive to the validation of a command (see col. 1, lines 50-53). Therefore, the reference also teaches reception (communication) of a command for controlling a given network device. However, the reference fails to explicitly teach the step of “communicating the at least one command line interface command from the second network device to the first network device via a loopback address”, as claimed. Regarding this limitation, Hayama et al. teaches a communication network system including a loopback control method (see Abstract). The reference also teaches communicating a command from a network device to

another via a loopback address (see “loopback instructions”; col. 25, lines 14-45). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain a method for establishing communication paths for carrying out transmission of data between node devices, as taught by Hayama et al.

As for claim 5, Chen et al. teaches a command in the CLI of the network device capable of performing configuration of a network device (see col. 2, line 62; col. 5, lines 17-18). In addition, the cited art teaches specification of network management operations to be performed according to the command (see col. 1, lines 66-67).

Regarding claim 13, Chen et al. teaches a method of managing a network device (see Title; Abstract; col. 1, lines 27-30). In addition, the reference provides a command-line interface application interface compatible with CLI of a network device (see Abstract; col. 2, lines 2-6; col. 7, lines 60-67). Chen et al. also teaches receiving an instruction and generating a command in respond, where the command is compatible with the CLI of the network device (see col. 1, lines 51-56). Chen et al. exposes transmitting commands over a network to the network device (see Figures 2 and 3) and processing these commands on the network device. Chen et al. also teaches a command-line interface including a “command processor”. This command processor is responsive to the validation of a command (see col. 1, lines 50-53). Therefore, the reference also teaches reception of command for controlling a given network device. It is also claimed a “CLI-API generating a CLI command in response to receiving one or more instructions from the application”. Chen et al. teaches that interfaces generally permit an operator to control particular

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network devices (see col. 1, lines 25-27). However, the reference fails to explicitly teach a “second network device” performing the claimed steps. Regarding this limitation, Hayama et al. teaches a communication network system including a loopback control method (see Abstract) and communicating a command from a network device to another (see nodes) via a loopback address (see “loopback instructions”; col. 25, lines 14-45). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain a method for establishing communication paths for carrying out transmission of data between node devices, as taught by Hayama et al.

As for claim 14, Chen et al. teaches managing aspects of the operation of the network device (see col. 2, lines 50-51).

As per claim 15, Chen et al. teaches results from the processing of the commands on the network device over the network (see Figure 3, “Response(s)”).

As for claim 16, Chen et al. teaches a network system having network management capabilities (see Abstract). In addition, the cited art discloses two network devices, where one of the network devices is capable of executing applications that use a command-line interface application interface. This device generates commands compatible with the other network device (“target device”) and transmits these commands for execution (see Figures 2 and 3; col. 8, lines 5-34).

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10. Claims 2-4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. [US 6,625,590 B1] in view of Hayama et al. [US 6,661,800 B1] in further view of Blumenau et al. [US 6,665,714 B1].

As for claims 2 and 3, the prior art combination teaches object implementation (see Chen et al.; col. 3, lines 22-42). However, the cited combination of references does not teach calls or class and methods compatible with the Java object-oriented programming language, as claimed. Regarding these limitations, Blumenau et al. teaches a method of managing a network device (see Abstract). The cited reference also discloses a programming interface. This interface is compatible with the Java-object oriented programming language (see col. 18, lines 33-34). Accordingly, one of ordinary skill in the art would have been motivated to modify the combination of disclosures in order to specify an interface, as implemented in software (see Blumenau et al., col. 18, line 25), for the prior art method.

As for claim 4, the combination of references does not teach object-oriented classes or selecting from a set of classes including a session management class, an input-output class, a configuration class, and a macro-generation class. Blumenau et al. teaches a method of managing a network device (see Abstract). The cited reference discloses a programming interface. The interface is compatible with the Java-object oriented programming language (see col. 18, lines 33-34). In addition, the secondary reference (Blumenau et al.) teaches session management in a method for managing a network device (see col. 18, lines 40-61).

As per claim 17, the combination of references teaches a network management system (see Chen et al.; col. 3, lines 22-42). However, the combination does not teach “object-oriented applications” compatible with the Java object-oriented programming language, as claimed. Regarding these limitations, Blumenau et al. teaches network management (see Abstract), where an interface is compatible with the Java-object oriented programming language (see col. 18, lines 33-34). Accordingly, one of ordinary skill in the art would have been motivated to the cited combination of references in order to specify an interface, as implemented in software (see Blumenau et al., col. 18, line 25), for the prior art method.

Allowable Subject Matter

11. Claims 6-10, 12, and 18-21 were allowed in previous Office action.
12. Claims 22-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments with respect to claims 1-5 and 13-17 have been considered but are moot in view of the new ground(s) of rejection.
14. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies in support of claim 1, on Page 8 (i.e., “*non-command line inputs are translated to command line inputs by one network device for another network device*”; “that higher level applications such as object

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oriented applications can be used with *legacy devices* that accept only *legacy command line input*" (emphasis added)) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. In consideration of claims 1 and 13, the new limitations, specifying a second network device and a first network device, have been considered. In addition, claim 1 now recites the use of a "loopback address", which has also been considered in the present Office action.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc
25 April 2005



JEFFREY GAFFIN
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